

**Wittels
McInturff
Palikovic**

May 2, 2024

Via ECF

Honorable Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Swanson et al. v. Manhattan Beer Distributors, LLC et al.*, No. 15 Civ. 5383-ENV-TAM

Dear Judge Merkl:

Plaintiff and the Proposed Class write pursuant to the Court's April 18, 2024 Order to provide a status update. The reason this request is not being filed jointly is because Defendants unreasonably delayed responding to our request for edits on the succinct summary below, together with a discovery schedule that we sent them on Tuesday, April 30.

Briefly, the parties met and conferred on April 24 about outstanding discovery for Plaintiff's overtime and deduction claims. After multiple hours of meeting and conferring, the parties reached impasse on most issues. As described in the attached discovery schedule, Plaintiff anticipates filing motions to compel in accordance with Your Honor's individual practices on these issues. Following resolution of those motions, we anticipate the parties will complete discovery and begin dispositive motions.

During the meet and confer, the parties agreed that Plaintiff would send Defendants a draft of the joint letter and discovery schedule by Tuesday, April 30. Plaintiff timely sent the materials and, despite repeated reminder emails, Defendants did not respond until around 6pm on the day the filing is due, saying that they hoped to provide their first round of edits and argumentative position statement by around 7pm. Because of the non-controversial nature of this letter, and because Defendant waited to respond until only several hours before the filing is due, Plaintiff did not anticipate having separate positions with multiple exchanges of drafts. The undersigned will be on a flight for the remainder of the evening and cannot engage in a delayed back-and-forth with Defendants or accommodate their proposed timing. With apologies to the Court for this unilateral submission, Plaintiff submits this letter and proposed discovery schedule.

Respectfully submitted,

/s/ Steven L. Wittels
Steven L. Wittels

cc: All Counsel of Record (via ECF)